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8 IN THE UNITED STATES DISTRICT COURT
9
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

CASE NO. 1:22-CR-00309-NODJ-DAM

11 Plaintiff,

12 v.

13 LUIS MAURICIO CASTENON

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

14 BRYAN STEVEN REYES,

CURRENT DATE: May 22, 2024.

15 Defendant.

TIME: 1:00 p.m.

16 COURT: Hon. Barbara A. McAuliffe

17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and LUIS MAURICIO
19 CASTENON, by and through defendant's counsel of record, Anthony Capozzi, and BRYAN STEVEN
20 REYES, by and through defendant's counsel of record, Mark Coleman, hereby stipulate as follows:

21 1. By previous order, this matter was set for status on May 22, 2024.

22 2. By this stipulation, defendant now moves to continue the status conference until August
23 14, 2024 and to exclude time between May 22, 2024., and August 14, 2024, under 18 U.S.C. §
24 3161(h)(7)(A), B(iv).

25 3. The parties agree and stipulate, and request that the Court find the following:

26 a) The government asserts that discovery in this matter has been provided to both
27 defendant's counsel. However, Mr. Reyes only came into federal custody in October 2023, Mr.
28

1 Coleman still requires additional time to review the discovery related to Mr. Reyes and conduct
2 his own investigation. Mr. Coleman has sent subpoenas and is in the process of ongoing
3 investigation related to the discovery Mr. Coleman has reviewed. Mr. Capozzi likewise is
4 conducting ongoing investigation. The government is aware of its ongoing discovery obligations.

5 b) The parties will engage in further discussions regarding a resolution of the case.
6 The Government has not provided a plea offer to Mr. Reyes yet and requires additional time to
7 discuss resolution of the case with Mr. Coleman. Mr. Coleman is currently sick with COVID and
8 unable to engage in plea discussions. The Government requires additional time to discuss the
9 offer made to Mr. Castenon with Mr. Capozzi.

10 c) Counsel for the defendants desire additional time to consult with their clients, to
11 review the current charges, to conduct investigation and research related to the charges, to review
12 and/or copy discovery for this matter, to discuss potential resolutions with their clients, to
13 prepare pretrial motions, and to otherwise prepare for trial.

14 d) Counsel for the defendants believe that failure to grant the above-requested
15 continuance would deny them the reasonable time necessary for effective preparation, taking into
16 account the exercise of due diligence.

17 e) The government does not object to the continuance.

18 f) Based on the above-stated findings, the ends of justice served by continuing the
19 case as requested outweigh the interest of the public and the defendant in a trial within the
20 original date prescribed by the Speedy Trial Act.

21 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
22 et seq., within which trial must commence, the time period of May 22, 2024. to August 14, 2024,
23 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results
24 from a continuance granted by the Court at defendant's request on the basis of the Court's
25 finding that the ends of justice served by taking such action outweigh the best interest of the
26 public and the defendant in a speedy trial.

27 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
28 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

1 must commence. IT IS SO STIPULATED.

2
3 DATED: May 13, 2024

4 PHILLIP A. TALBERT
5 United States Attorney

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7 By: /s/ Arin C. Heinz
8 ARIN C. HEINZ
9 Assistant U.S. Attorney

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11 DATED: May 13, 2024

12 By: /s/ Anthony Capozzi
13 ANTHONY CAPOZZI
14 Attorney for Defendant
15 LUIS MAURICIO CASTENON

16 DATED: May 13, 2024

17 By: /s/ Mark Coleman
18 MARK COLEMAN
19 Attorney for Defendant
20 BRYAN STEVEN REYES

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22 **ORDER**

23 IT IS SO ORDERED that the status conference is continued from May 22, 2024, to **August 14, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded
24 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). The parties have not indicated when they will be ready to
25 set the matter for trial. In any future request for a continuance, the parties must inform the Court when
26 they will be ready to set this case for trial. If the parties fail to do so, the Court may deny any additional
27 continuance and keep the status conference on calendar to discuss trial setting with the parties.

28 IT IS SO ORDERED.

Dated: May 14, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE